



DIGEST SUPPLEMENT

To Legislative Digest and History of Bills
Supplement No. 53*

FIFTY-SEVENTH LEGISLATURE

Tuesday, April 3, 2001

86th Day - 2001 Regular

SENATE

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SB 5346-S
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HB 1995-S
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*To be discarded upon receipt of Edition No. 1 of the Legislative Digest and History of Bills

House Bills

HB 1995-S by House Committee on Judiciary
(originally sponsored by Representatives
Dickerson, Cairnes, Grant, Dunn, Campbell, Kagi, Pearson
and Wood)

Prohibiting civil forfeitures of property unless the owner
has been convicted of a crime.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, in all cases, the burden of proof is upon
the law enforcement agency to establish, by a
preponderance of the evidence, that the property is subject
to forfeiture.

Declares that, in any proceeding to forfeit property
under this act, where the claimant substantially prevails, the
claimant is entitled to reasonable attorneys' fees reasonably
incurred by the claimant. In addition, in a court hearing
between two or more claimants to the article or articles
involved, the prevailing party is entitled to a judgment for
costs and reasonable attorneys' fees.

Requires the senate and house of representatives
judiciary committees to convene a workgroup to evaluate
Washington civil forfeiture laws and practices. The efforts
of the workgroup shall include: An evaluation of the
enacted changes to the federal civil forfeiture act and how
they compare to current Washington law; an analysis of
whether a requirement for a criminal conviction before civil
forfeiture would raise additional constitutional issues; a
comprehensive review of every civil forfeiture case that
took place in Washington state under state law during the
year 2000; a discussion of recommendations and issues in
the Washington civil forfeiture statutes, including issues
upon which the workgroup can agree and those that remain
in dispute; and any other civil forfeiture issues identified by
the workgroup during its deliberations.

-- 2001 REGULAR SESSION --

Mar 29 JUDI - Majority; 1st substitute bill be
substituted, do pass.

Mar 30 Passed to Rules Committee for second
reading.

HB 2228 by Representative Bush

Setting speedy trial requirements for certain defendants.

Provides that a defendant charged with a misdemeanor
or gross misdemeanor in superior court or a court of limited
jurisdiction who pleads not guilty and does not waive his or
her right to a speedy trial and:

(1) Who is not released from jail pending trial shall be
brought to trial not later than sixty days after the date of
arraignment; or

(2) Who is released from jail whether or not subjected
to conditions of release pending trial shall be brought to
trial not later than ninety days after the date of arraignment.

Provides that a defendant charged with a felony in
superior court who pleads not guilty and does not waive his
or her right to a speedy trial and:

(1) Who is not released from jail pending trial shall be
brought to trial not later than one hundred twenty days after
the date of arraignment; or

(2) Who is released from jail whether or not subjected
to conditions of release pending trial shall be brought to
trial not later than one hundred eighty days after the date of
arraignment.

Declares that, to the extent that court rules CrR 3.3,
CrRLJ 3.3, and JuCR 7.8 on the right to a speedy trial are
inconsistent with this act, those rules are superseded by this
act.

-- 2001 REGULAR SESSION --

Mar 30 First reading, referred to Judiciary.

HB 2229 by Representatives Romero, Rockefeller,
Cooper and Fisher

Streamlining transportation project permitting.

Declares an intent to demonstrate that state
environmental objectives can be achieved while improving
the decision making and delivery processes of
transportation projects. This can be achieved by improving
the working relationship between those charged with
transportation project delivery and those working in
resource agencies charged with environmental protection.

Declares an intent to both achieve transportation
permit reform to expedite the delivery of transportation
projects of statewide significance and to strive to increase
environmental benefits through a watershed-based approach
to aquatic and natural resource management.

Provides that, in order to optimize the limited
resources available for transportation system improvements
and environmental protection, state regulatory and natural
resource agencies, public and private sector interests, Indian
tribes, and the department of transportation must work
cooperatively and with greater trust to establish common
goals, minimize project delays, develop agreed upon
standards, and maximize environmental benefits through
coordinated investment strategies, increased certainty and
consistency of actions through the development of agreed
upon environmental standards, and the elimination of
duplicative processes.

-- 2001 REGULAR SESSION --

Mar 30 First reading, referred to
Transportation.

Senate Bills

SB 5345-S by Senate Committee on Ways & Means
(originally sponsored by Senators Brown,
Rossi and Constantine; by request of Governor Locke)

Making operating appropriations for 2001-03.

(AS OF SENATE 2ND READING 3/30/01)

Makes operating appropriations for 2001-03.

-- 2001 REGULAR SESSION --

Mar 30 WM - Majority; 1st substitute bill be
substituted, do pass.
Minority; do not pass.
Passed to Rules Committee for second
reading.
Placed on second reading by Rules
Committee.
1st substitute bill substituted.
Floor amendment(s) adopted.
Rules suspended. Placed on Third
Reading.
Third reading, passed: yeas, 30; nays, 17;
absent, 2.

SB 5346-S by Senate Committee on Ways & Means
(originally sponsored by Senators Brown,
Rossi and Constantine; by request of Governor Locke)

Making supplemental operating appropriations for 1999-01.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Makes supplemental operating appropriations.

-- 2001 REGULAR SESSION --

Mar 30 WM - Majority; 1st substitute bill be
substituted, do pass.
Passed to Rules Committee for second
reading.

SB 5347-S by Senate Committee on Ways & Means
(originally sponsored by Senators Fairley
and Zarelli; by request of Governor Locke)

Making appropriations and authorizing expenditures for
capital improvements.

(AS OF SENATE 2ND READING 3/30/01)

Makes appropriations and authorizes expenditures for
capital improvements.

-- 2001 REGULAR SESSION --

Mar 30 WM - Majority; 1st substitute bill be
substituted, do pass.
Passed to Rules Committee for second
reading.
Placed on second reading by Rules
Committee.
1st substitute bill substituted.
Rules suspended. Placed on Third
Reading.
Third reading, passed: yeas, 47; nays,
0; absent, 2.

SB 5610-S by Senate Committee on Transportation
(originally sponsored by Senators Haugen,
Carlson, Gardner and Winsley)

Regulating traffic safety cameras.

(AS OF SENATE 2ND READING 3/14/01)

Declares that the use of traffic safety cameras is
subject to the following regulations:

(1) The appropriate legislative authority must enact an
ordinance allowing for their use to detect one or more of the
following: Stoplight or railroad crossing violations.

(2) Traffic safety cameras may take pictures of the
vehicle and the vehicle license plate only.

(3) The jurisdiction must develop a public notification
program for areas in which traffic safety cameras will be
used. Under their respective jurisdictions, the law
enforcement agency or the department of transportation
shall plainly mark the locations where the traffic safety
cameras are used by placing signs on street locations that
clearly indicate to a driver that he or she is entering a zone
where traffic laws are enforced by traffic safety cameras.

(4) A notice of traffic infraction must be mailed to the
registered owner of the vehicle within fourteen days of the
infraction occurring.

(5) A person receiving a notice of traffic infraction
based on evidence detected by a traffic safety camera may
respond to the notice by mail.

Provides that infractions detected through the use of
traffic safety cameras will be recorded as are stopping,
standing, or parking violations under RCW 46.61.560, but
are not part of the registered owner's driving record under
RCW 46.52.101 and 46.52.120.

Declares that the legislature respectfully requests the
Washington state supreme court to amend the Infraction
Rules for Courts of Limited Jurisdiction to conform to this
act. Furthermore, the legislature respectfully asks the court
to create a notice of traffic infraction that is consistent with
this act.

-- 2001 REGULAR SESSION --

Mar 7 TRAN - Majority; 1st substitute bill be
substituted, do pass.
Minority; do not pass.
Mar 8 Passed to Rules Committee for second
reading.
Mar 9 Placed on second reading by Rules
Committee.

Mar 14 1st substitute bill substituted.
Floor amendment(s) adopted.
Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 27; nays, 21; absent, 1.

- IN THE HOUSE -

Mar 15 First reading, referred to Transportation.
Mar 29 TR - Executive action taken by committee.
TR - Majority; do pass with amendment(s).
Minority; without recommendation.
Mar 30 Passed to Rules Committee for second reading.

SB 5625-S2 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Finkbeiner, Carlson and Kohl-Welles; by request of Governor Locke, Academic Achievement and Accountability Commission and State Board of Education)

Creating the K-12 academic achievement and accountability act.

(DIGEST OF PROPOSED 2ND SUBSTITUTE)

Creates the K-12 academic achievement and accountability act.

-- 2001 REGULAR SESSION --

Mar 30 EDU - Majority; 2nd substitute bill be substituted, do pass.
Minority; do not pass.
Passed to Rules Committee for second reading.

SB 6166-S by Senate Committee on Ways & Means (originally sponsored by Senators Brown, Snyder, Long, Fraser, Rossi, Constantine, Spanel, B. Sheldon and Carlson)

Restating plan 1 of the law enforcement officers' and fire fighters' retirement system.

(AS OF SENATE 2ND READING 3/30/01)

Finds that plan 1 of the Washington law enforcement officers' and fire fighters' retirement system (LEOFF plan 1) has been closed to new members for nearly a quarter of a century. During that time, LEOFF plan 1 has achieved full funding and has assets which exceed all projected future liabilities and has a surplus approaching one billion dollars. In recognition of the contributions of working fire fighters and police officers to LEOFF plan 1, it is the purpose of this act, in part, to provide for an enhanced retirement benefit to LEOFF plan 1 members which is managed and developed by the fire fighters and police officers themselves.

Declares that LEOFF plan 1 also provides substantial postretirement health and long-term care benefits. The financial burden of this benefit, which is an integral part of LEOFF plan 1, falls exclusively on the cities, counties, and

fire districts that employed the retired fire fighters and police officers. In recognition of the fiscal burdens facing these political subdivisions, it is appropriate to provide an additional source of funding to ensure the integrity of the benefit without undermining the financial stability of the employing governments.

Finds that the supreme court of the state of Washington, in the 1956 decision *Bakenhus v. City of Seattle*, established that the fire fighters and police officers, active and retired, have a constitutionally protected contractual right to a secure retirement benefit, funded on a sound actuarial basis. While members have a constitutionally protected right to the pension benefits that are provided as part of their contract of employment, there is no such right in surplus assets which are unnecessary to the actuarial soundness of the retirement plan.

Declares that the state retains the inherent power to terminate a retirement plan and, upon the dedication of sufficient resources to ensure the actuarial soundness of the benefits promised, is entitled to a reversion of the surplus assets upon termination of the plan.

Finds that, in order to accomplish the foregoing goals and objectives, it is in the best interest of the members and beneficiaries of LEOFF plan 1 that the plan be terminated and that a restated retirement plan with enhanced benefits be created. It is further determined to be in the best interest of the health, safety, and welfare of the citizens of the state that surplus assets remaining after adequate actuarial provision for the obligated retirement benefits revert to the state and be allocated for the purposes outlined in this chapter.

Declares an intent that the LEOFF plan 1 termination be performed in accordance with the applicable provisions of the federal internal revenue code and in recognition of the contract rights of the members and beneficiaries of the plan to an actuarially sound retirement program.

Reserves the right to make such amendments and modifications as may be necessary in the future to accomplish the goals of this section, without any diminution of the rights and benefits of the beneficiaries as they existed prior to July 1, 2001.

Repeals provisions of chapter 41.26 RCW.

-- 2001 REGULAR SESSION --

Mar 30 WM - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.
Passed to Rules Committee for second reading.
Placed on second reading by Rules Committee.
1st substitute bill substituted.
Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 42; nays, 5; absent, 2.

SB 6167-S by Senate Committee on Ways & Means (originally sponsored by Senators Brown, Snyder, Spanel and B. Sheldon)

Ensuring sound actuarial funding of the state retirement systems.

(AS OF SENATE 2ND READING 3/30/01)

Finds that the funding status of the state retirement systems has improved dramatically since 1989. Because of the big reduction in unfunded pension liabilities, it is now prudent to adjust the long-term economic assumptions that are used in the actuarial studies conducted by the state actuary.

Finds that it is reasonable to increase the salary growth assumption in light of Initiative Measure No. 732, to increase the investment return assumption in light of the asset allocation policies and historical returns of the state investment board, and to reestablish June 30, 2024, as the target date to achieve full funding of all liabilities in the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

Declares that the funding process established by chapter 41.45 RCW is intended to include the following goal: To ensure the actuarial funding of the restated law enforcement officers' and fire fighters' retirement system defined benefit plan, and provide for additional state funding if unfunded liabilities accrue in the future.

-- 2001 REGULAR SESSION --

Mar 30 WM - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.
Passed to Rules Committee for second reading.
Placed on second reading by Rules Committee.
1st substitute bill substituted.
Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 26; nays, 21; absent, 2.

SB 6171-S by Senate Committee on Ways & Means (originally sponsored by Senators Fairley, Zarelli, Spanel, Snyder and Franklin)

Providing for supplemental capital budget appropriations.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides for supplemental capital budget appropriations.

-- 2001 REGULAR SESSION --

Mar 30 WM - Majority; 1st substitute bill be substituted, do pass.
Passed to Rules Committee for second reading.
Placed on second reading by Rules Committee.

SB 6172 by Senators Patterson, Horn, Haugen, Finkbeiner, Costa, McDonald, Prentice, Constantine, Kohl-Welles, Eide, McAuliffe and Fairley

Authorizing creation of regional congestion relief districts.

Finds that: (1) The capacity of many of Washington state's transportation facilities have failed to keep up with the state's growth, particularly in major urban regions;

(2) The state cannot by itself fund, in a timely way, many of the major capacity and other improvements required on state and interstate highways in urban regions;

(3) Providing a comprehensive multimodal transportation system which provides efficient mobility choices for persons and freight requires a partnership between the state, local, and regional governments, and the private sector; and

(4) Timely construction and development of congestion relief projects can best be achieved by establishing regional congestion relief districts.

Declares that the district's plan may recommend the imposition of some or all of the following revenue sources: (1) A vehicle license fee of up to seventy-five dollars per vehicle registered in the district, except commercial vehicles as defined in RCW 46.04.140, per year on passenger cars, sport utility vehicles, motorcycles, motorhomes, pickup trucks, and trailers or trailing units. The department of licensing shall administer and collect this fee on behalf of a congestion relief district and remit this fee to the custody of the state treasurer, who shall distribute it as directed by a regional congestion relief district;

(2) Tolls;

(3) Property tax road levy as provided in RCW 36.82.040; and

(4) A commercial vehicle fee of up to one hundred fifty dollars per commercial vehicle registered in the district as defined in RCW 46.04.140. The department of licensing shall administer and collect this fee on behalf of a regional congestion relief district and remit this fee to the custody of the state treasurer, who shall distribute it as directed by a regional congestion relief district.

No taxes may be imposed without a vote of the people within the district boundaries.

Provides that, to assure accountability to the public for the timely construction of the transportation project or projects within cost projections, the district shall issue a public report every six months from the date the project begins to the date it concludes. In the report, the district shall detail the progress of the project in two areas: (1) Whether the project or projects costs-to-date are within the amount of revenue raised for the project or projects under the vote of the people as provided in section 3 of this act; and

(2) Whether the project or projects are proceeding in accordance with the original construction schedule. If the progress of the project is inconsistent with either the cost projections or timeliness, the district shall provide the public with a plan to move the project or projects back into compliance with the original construction schedule and cost projections.

-- 2001 REGULAR SESSION --

Apr 2 First reading, referred to Transportation.

LIST OF BILLS IN DIGEST SUPPLEMENTS CONT.

SENATE

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HOUSE